

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LULAC, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of Texas, *et al.*,

*Defendants.*

Case No.: 3:21-CV-00259-DCG-JES-JVB  
[Lead Case]

MEXICAN AMERICAN  
LEGISLATIVE CAUCUS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of Texas, *et al.*,

*Defendants.*

Case No.1-21-CV-00988-DCG-JES-JVB  
[Consolidated Case]

**MALC PLAINTIFFS' DESIGNATION OF EXPERTS PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE 26(a)(2)(A)**

Pursuant to the Scheduling Order, the Mexican American Legislative Caucus ("MALC"), Sergio Mora, and Bobbie Garza-Hernandez (collectively, "MALC Plaintiffs") designate the following expert witnesses for the trial or any other evidentiary proceeding in this matter.

**I.**

**Retained Expert Witnesses**

1. Matt Barreto, Ph.D.  
University of California, Los Angeles  
3250 Public Affairs Building  
Los Angeles, CA 90065  
barretom@ucla.edu  
909-489-2955

Dr. Barreto will testify regarding his report listed as Brooks Plaintiff Exhibit 44 of Brooks Plaintiffs' Exhibit List. He will also testify regarding the report and file materials served under separate cover and dated May 20, 2022. His testimony and opinions offered at the Preliminary Injunction are incorporated herein as well.

2. J. Morgan Kousser, Ph.D.  
Caltech  
Prof. of History and Social Science, Emeritus  
1818 Craig Ave.  
Altadena, CA 91001-3430  
kousser@caltech.edu  
626-395-4080  
Dr. Kousser will testify regarding his report and file materials, which the parties have agreed will be served on May 27, 2022.

## **II.**

### **Non-Retained Expert Witnesses**

The MALC Plaintiffs hereby designate and state that they intend to call for the purpose of fact and/or opinion testimony those persons listed in the witness disclosures of each party, as appropriate. MALC Plaintiffs specifically give notice that they intend to rely on the expert testimony of other Plaintiffs groups. To streamline trial presentation and not present overly duplicative testimony, MALC Plaintiffs will rely on expert opinions given by other experts called by other Plaintiffs and their counsel. The designation of experts, reports and expert disclosures served by other Plaintiffs are incorporated herein for all purposes. MALC Plaintiffs make this designation without conceding the qualifications, relevancy, reliability or admissibility of such witness' opinions.

## **III.**

### **Additional Designation**

MALC Plaintiffs hereby cross designate and state that Plaintiffs may call any expert witness identified or designated by any party or any employee or representative of any party, subject to any objections that Plaintiffs may make concerning the designation or qualifications of those witnesses.

MALC Plaintiffs reserve the right to elicit by way of cross examination, opinion testimony from experts or representatives or other witnesses who may be qualified to render expert testimony designated and/or called by other parties to the suit.

MALC Plaintiffs reserve the right to elicit by way or direction/cross examination, opinion testimony from fact witnesses who may be qualified to render testimony, but are not retained or designated experts at this time and who have expertise in certain areas regarding the facts of this case. Such non-retained expert witnesses may be employees of the State of Texas but they have not been employed for the purpose of providing expert testimony.

MALC Plaintiffs reserve the right to elicit by way of direct/cross examination, opinion testimony for experts designated and/or called by other parties to the suit.

MALC Plaintiffs reserve the right to supplement this designation as necessary and to solicit opinion testimony from such persons as appropriate during both discovery and trial.

MALC Plaintiffs designates and reserves the right to call any expert designated by Defendants or called by Defendants at hearing or trial.

#### **IV. Supplementation and Amendment Disclaimer**

MALC Plaintiffs specifically reserve the right to supplement and/or amend these designations, including the expert reports provided with these designations to review, assess, and incorporate as necessary any discovery that becomes available after this designation. Defendants have successfully delayed discovery in this matter on a number of fronts through unnecessarily obstructive and dilatory objections and motion practice, including, most recently, an interlocutory appeal of the Court's order denying their motion to quash depositions. All of the experts in this case for all of the Plaintiffs in this redistricting litigation would benefit from additional discovery, particularly deposition discovery and fulsome document production discovery. Defendants

dilatory actions by necessity render the opinions offered by Plaintiffs' experts subject to supplementation and amendment.

Respectfully submitted,

SOMMERMAN, MCCAFFITY,  
QUESADA & GEISLER, L.L.P.

*/s/ George (Tex) Quesada*

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ATTORNEYS FOR MALC PLAINTIFFS

**CERTIFICATE OF SERVICE**

I certify that all counsel of record were served a copy of the foregoing this 20th day of May, 2022, via the Court's CM/ECF system.

/s/ Sean J. McCaffity  
Sean J. McCaffity